

drugs act. The article was labeled in part: "Markesan Creamery One Pound Pasteurized Creamery Butter, Markesan, Wisconsin."

It was alleged in the libel that the article was adulterated in that a product deficient in milk fat had been substituted for butter, which the said article purported to be, for the further reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by the act of March 4, 1923, which the article purported to be, and for the further reason that a valuable constituent of the article had been wholly or in part abstracted.

On July 16, 1928, Joseph S. Beall, Washington, D. C., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15984. Misbranding of 999 nerve tonic, Prescription 999, and Prescription 999 astringent wash. U. S. v. 2¾ Dozen Boxes of 999 Nerve Tonic, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 22356. I. S. Nos. 96340-x, 96341-x, 96342-x. S. No. 374.)

On January 10, 1928, the United States attorney for the Southern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 2¾ dozen boxes of 999 nerve tonic, 4½ dozen boxes of Prescription 999, and 6 packages of Prescription 999 astringent wash at Rock Island, Ill., alleging that the articles had been shipped by the Combination Remedy Co., Pittsburgh, Pa., on or about November 2, 1927, and had been transported from the State of Pennsylvania into the State of Illinois, and charging misbranding in violation of the food and drugs act as amended.

Analyses of samples of the articles by this department showed that the 999 nerve tonic consisted essentially of zinc phosphide, calcium sulphate, and extracts of nux vomica and damiana; that the Prescription 999 consisted essentially of the volatile oils of nutmeg, santal, and cubeb, copaiba, and fatty oil; and that the Prescription 999 astringent wash consisted essentially of boric acid and magnesium sulphate, colored with a coal tar color.

The labels of the articles bore the following statements which this department deemed to be false and fraudulent: (999 nerve tonic, box label) "Nerve Tonic. The ingredients from which these capsules are compounded have been used and prescribed for years for rundown systems and nervous disorders;" (Prescription 999, box label) "Recommended for kidney and bladder disorders. This medicine is a combination of Oil Sandalwood, Oil Cubebs, Copaiba, and other valuable Vegetable Oils which are known to give the best results in treating the disease for which this medicine is intended * * * after all signs of the disease have disappeared;" (Prescription 999 astringent wash, carton) "To be used in conjunction with 999 Capsules. For Kidney and Bladder Disorders, as a wash for Irritated Membranes."

It was alleged in the libel that the articles were misbranded in violation of section 8, paragraph 3, of said food and drugs act as amended.

On April 17, 1928, no claimant having appeared for the property, judgment was entered finding that the said articles were false and fraudulent in that they contained no ingredients or combinations of ingredients capable of producing the effects claimed, and it was ordered by the court that they be condemned, forfeited, and destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15985. Misbranding of Creomulsion. U. S. v. 1,000 Dozen Bottles, et al., of Creomulsion. Decrees of condemnation and forfeiture entered. Product released under bond. (F. & D. Nos. 22741 to 22750, incl., 22752 to 22755, incl., 22772, 22778. I. S. Nos. 17444-x, 17648-x, 22252-x to 22255-x, incl. S. Nos. 754, 757, 761, 764, 783, 798.)

On or about May 7, May 8, May 10, May 11, May 14, and May 17, 1928, respectively, the United States attorneys for the Eastern District of Pennsylvania, District of Oregon, Northern District of California, District of Colorado, District of Delaware, and District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the District Courts of the United States

for said districts libels praying seizure and condemnation of 3,842 $\frac{1}{2}$ dozen bottles of Creomulsion, remaining in the original unbroken packages at Philadelphia, Pa., Portland, Ore., San Francisco, Calif., Denver, Colo., Wilmington, Del., and Baltimore, Md., respectively, a portion of which had been consigned by the Creomulsion Co., in part from Griffin, Ga., and in part from Baltimore, Md., and the remainder of which had been consigned in part by the Taylor Edwards Transfer Co., from Seattle, Wash., and in part by Morgan & Sampson, from San Francisco, Calif. It was alleged in the libels that the article had been transported in interstate commerce into the States of Pennsylvania, Oregon, California, Colorado, Delaware, and Maryland, respectively, and that it was misbranded in violation of the food and drugs act as amended.

Analysis of a sample of the article by this department showed that it consisted essentially of creosote, menthol, a small amount of alkaloidal material, sugar, gum, water, and 1.5 per cent alcohol.

Misbranding of the article was alleged in the libels for the reason that the following statements appearing in the carton label, bottle label, and accompanying booklet were false and fraudulent, since the said article contained no ingredient or combination of ingredients capable of producing the effects claimed: (Carton label) "Recommended in the Treatment of Coughs, Colds, Bronchial Asthma, Catarrhal Bronchitis, and more especially for Chronic Coughs and Persistent Colds * * *. With the average case, usually a half-bottle of Creomulsion seems to bring the desired relief, but it is a mistake to leave off the treatment just as soon as you begin to feel better or think the cold or cough is entirely well. Therefore, we recommend that the treatment be continued a week or ten days after you begin to feel well, until the system is restored to its normal, healthy, germ-resisting condition * * *. We recommend that Creomulsion be taken for all coughs and colds, especially those of long standing, and continued in use as long as the cough or cold remains;" (bottle label) "Recommended in the treatment of Coughs, Colds, Bronchial Asthma, and Catarrhal Bronchitis, and Especially for Chronic Coughs and Persistent Colds. * * * Two teaspoonfuls every three hours until relieved, then two teaspoonfuls after each meal. Children * * *. Give every three hours until relieved, then after each meal;" (booklet) "This booklet tells you about Creomulsion, what it is, and why it is so effective in the treatment of coughs, colds, grippe, and flu. In its pages you will find information that is very valuable and which may prove a health-saving inspiration for you, because it tells you about yourself and suggests what to do and what not to do to keep well. * * * It is generally conceded by men of authority that colds, coughs, grippe, and flu almost always follow on the heels of a run-down condition, and that, if the system is kept in good condition, such diseases would be practically unknown. Therefore, with the system depleted and the vitality lowered to begin with it is but natural that any of these diseases would leave the system as it found it—run-down and depleted. You hear some people say that they are 'taking just one cold after another.' This is due to the fact that, while to all appearances they have cured their first cold, they did not carry the treatment far enough to re-establish a normal, healthy system, and as a consequence, they go right ahead and take more cold. With the average case, usually a half-bottle of Creomulsion seems to bring the desired relief, but it is a mistake to leave off the treatment just as soon as you begin to feel better, or think the cold or cough is entirely well. Therefore, we recommend that the treatment be continued for a week or ten days after you begin to feel well, until the system is restored to its normal, healthy, germ-resisting condition. The creosote in Creomulsion, in addition to being an intestinal antiseptic and having germ inhibiting qualities, has a tendency to increase the appetite and put on body weight, while there are other ingredients, such as Menthol, Oil of Mullein, Fluid Extract Wild Cherry Bark, Ipecac, and Syrup Pine Tar that assist in cleaning out, soothing, and healing the inflamed mucous membranes of the respiratory tract, added to which is a small quantity of Cascara for its laxative properties. Beware the Cough or Cold That Hangs On. Persistent coughs and colds lead to serious trouble. You can stop them now with Creomulsion, an emulsified creosote that is pleasant to take. Creomulsion is a new medical discovery with two-fold action, it soothes and heals the inflamed membranes and inhibits germ growth. Of all known drugs, Creosote is recognized by the medical fraternity as one of the greatest healing agencies for persistent coughs and colds and other forms of throat troubles. Creomulsion contains,

in addition to creosote, other healing elements, which soothe and heal the infected membranes and stop the irritation and inflammation, while the creosote goes on to the stomach, is absorbed into the blood, attacks the seat of the trouble and checks the growth of the germs that lead to more serious troubles. Creomulsion is guaranteed satisfactory in the treatment of persistent coughs and colds, bronchial asthma, bronchitis, and other forms of throat diseases, and is excellent for building up the system after colds or the flu. Money refunded if any cough or cold is not relieved after taking according to directions. * * *

I had a very deep seated cold. Doctors called it chronic bronchitis. I coughed day and night, my whole system was very much run down, and I took cold so easily I thought I was getting pulmonary tuberculosis. I had taken Creomulsion some years ago, so I commenced on Creomulsion again. I can say Creomulsion will do all that you say it will. I gave it to my little daughter six years old last winter when she had a cold we couldn't seem to cure. Also my wife took it when she had a deep cold. We think it is all right for these colds that stick and won't let go. It sure helped me. * * *

Colds That Develop Into Pneumonia and Other Diseases. Pneumonia is a germ disease that frequently develops from neglected colds. Over 150,000 people in this country die each year from pneumonia—as many as die from tuberculosis! Out of every seven who get pneumonia, one person dies. Do not neglect a cold—it is not a simple thing, but a real disease which may lead to chronic catarrh, to ear trouble and deafness, to chronic bronchitis, or may even prepare the way for serious heart trouble. Pneumonia, colds, grippe, flu, and many others are germ diseases. Nearly every person is constantly breathing these germs. They are in practically every person's mouth, throat, and lungs in large numbers. If your system is normal, they are held in check by the resistance of your body, and can make no headway. There are two things that may happen to you that will let the germs gain ground and cause trouble: (1) The number of germs may multiply so rapidly (as in an epidemic, or through your exposure to some person who is sick) that they can overcome your normal resistance. (2) Your system may become so run-down—below par, or so weakened by exposure that it does not fight the germs strongly enough to keep them in check. In either case, by overcoming the normal resistance, the disease germs thrive and multiply and will cause serious trouble unless they are promptly checked. There is nothing better than Creomulsion to relieve such conditions, because it has active medicinal agencies which tend to check the growth of the germs and also help build up the body and strengthen it in its efforts to combat the spread of those much-to-be-dreaded germs. A Three Days' Cough Is Your Danger Signal. * * *

When germs cause an irritation in the Bronchial Tract that starts you coughing, that is a warning that there is trouble ahead. The cough in itself may be of little consequence, but, if neglected, often leads to a serious break-down of the bronchial or pulmonary tract. Therefore, when the cough first develops don't make the mistake of treating it lightly or neglecting it, but immediately begin using Creomulsion. You will generally find that after the first few doses your cough is relieved, the irritation and the inflammation gone. Creosote is undoubtedly one of our greatest medical assets in treating most conditions of the Pulmonary Tracts. Keep a bottle of Creomulsion on hand. A cough may develop any day. Stop it before it gets too far. * * *

I had a bronchial cough and it just seemed to stick. * * *

That bottle I took hit the spot. * * *

I was all in with a chronic cough for about two months. I used everything and when I saw your advertisement in the Pittsburgh Gazette-Times, I sent to Pittsburgh and secured a bottle, and today I am relieved of that great pest. Whenever I see anyone coughing I tell them of this and you need not be afraid to recommend or guarantee Creomulsion. For many years Creosote has been one of the Principal drugs upon which the medical profession has relied for relief in the treatment of diseases of the Bronchial, Pulmonary, and Respiratory Tracts. The Creomulsion Company has so compounded Creosote with other ingredients that it could be offered the general public for the home treatment of persistent colds and chronic coughs, grippe, and flu. Therefore Creosote is the basis for this wonderful preparation. * * *

but we do not rely solely upon Beechwood Creosote for the efficacy of Creomulsion. There is Fluid Extract of Wild Cherry, Syrup of White Pine with Tar, Menthol, Ipecac, Cascara, and Fluid Extract of Licorice Root, the combined effect of which is to dislodge and loosen up the phlegm, produce a cooling, soothing, and healing effect on the inflamed Mucous Membranes and act as a gentle laxative. * * *

Creomulsion has proven over a period of

many years and in thousands of cases to be a most effective prescription for relieving coughs, colds, grippe, flu, and other disturbances of the Bronchial, Pulmonary, and Respiratory Tract. * * * Our little daughter, nine years of age, had a severe bronchial cough which always seemed to come with a cold, but we could find nothing that would stop it, and she would cough long after the cold was gone and forgotten about. We noticed your ad and ordered one bottle and it helped her right away. Then we all used it for colds and coughs. * * * Mrs. R. T. Smith, of Graymont, Ga., was in bad shape, suffering with catarrhal bronchitis and a severe cough. Mr. Smith procured a bottle of Creomulsion, and after his wife finished taking it he writes: 'We have tried a good many remedies, and this seems to have done her more good than anything else. It acted as a Balm of Gilead in her case.' * * * I took the 'flu' and it left me with a cough and it seemed that my lungs would swell during damp weather and late in the evening, and I just grew worse until I took my bed and the doctor told me I had taken a cold in my chest. I would cough all night long and I read of Creomulsion and ordered a bottle and took one bottle and was up all day and when I had taken three bottles I was doing my work. * * * I have taken six bottles now and I feel as strong in my chest as I ever did and my weight is more than it ever was and my appetite is good. * * * I had a cough that had been hanging on but your Creomulsion stopped it at once. * * * I want to tell you how your medicine relieved me of a very serious illness. A friend of mine gave me your advertisement and I bought a bottle of Creomulsion which helped me. I then kept on taking the medicine and have gained twenty-two pounds. Would gladly recommend Creomulsion to anyone who suffers with such ailments. * * * and you will better understand why we use and recommend it in the treatment of persistent coughs and colds and other troubles arising from the respiratory tract. * * * The most important use of Creosote is as a pulmonary antiseptic, administered by the mouth, hypodermically, or by inhalation. In tuberculosis, in which it often markedly improves the appetite and digestion and diminishes the fever and night sweating, it can be administered in the form of an emulsion with cod liver oil, or with syrup of wild cherry or in a mixture of glycerine and whiskey. * * * Another explanation of the creosote action is that it acts as an intestinal antiseptic and prevents the secondary infection of the bowels. * * * During the last few years creosote has been largely prescribed in pulmonary tuberculosis and chronic bronchitis, and some of its results reached by its use have undoubtedly been of value in these affections. * * * Many authors have recently reported the excellent results obtained by the use of creosote in diseases other than pulmonary tuberculosis. * * * Casati recommends the use of creosote internally in large doses in acute pulmonary conditions, bronchopneumonia and fibrinous pneumonia, both in adults and children. Is Creomulsion Recommended For Diseases Other Than Coughs and Colds? Yes. The very nature of the preparation makes it valuable in the treatment of Bronchial Asthma, Catarrhal Bronchitis, Whooping Cough, Spasmodic Croup, Diarrhoea (more particularly fermenting diarrhoea), but especially for gaseous indigestion where there is an accumulation of gas on the stomach, producing digestive pains, pressure around the heart, etc. Creosote is a recognized intestinal antiseptic, helping to dispel the gases, thus permitting digestion to function normally. * * * Creosote is sometimes of service as an internal antiseptic in chronic gastric catarrh with flatulence (gas) and in simple dyspeptic diarrhoea. Any one suffering with these troubles will find ready relief through the use of Creomulsion, while as an after-tonic following colds, grippe, and flu, it has been used with most satisfactory results in assisting the patient to regain lost weight and recover a normal appetite. * * * I take cold very easily and after trying Creomulsion I am convinced that it is the best medicine I have tried as a cold preventive. I am keeping it on hand now to be taken whenever I feel a cold coming on. It surely has done me lots of good. * * * Tuberculosis * * * My little boy had whooping cough which left him with a very bad cough. His cough seemed to leave him after a few doses of Creomulsion. * * * I think it is a sure cure for any cough. * * * I have been taking your treatment all this year, and I must give Creomulsion the credit of bringing me this far. It is a wonderful medicine. I had pneumonia twenty-four years ago in my left side, and I had a pain in my left side just below my heart. I sometimes have a pain below my left shoulder, and I get hoarse when I get too hot. I was hoarse when I started taking Creomulsion and it has made me a man again. * * * How to Keep from Taking Cold. According to the United States Public Health Service,

each of us average 3.7 colds each year, whereas, if we took the proper care of ourselves, we would not have any colds at all. The general impression among the laity is that bad weather, wet feet, and drafts are responsible for all our bad colds. Later-day science, however, tells us that colds are caused by a germ and that they are highly contagious, and when one is exposed to a cold, he is more apt to contract it in this way than from bad weather. We also know that a lack of fresh air, insufficient exercise, too little sleep or rest, over-eating of rich foods and an acid system are also indirect causes of colds, because all of these things tend to break down germ resistance, and allow these pests to germinate, propagate, and infect the tender mucous membranes of the bronchial, pulmonary, and respiratory tracts, causing irritation and inflammation of these delicate membranes in the nose, throat, chest, or gastro-intestinal tract. Now then, if you would be free of colds and like diseases, take care to sleep with plenty of fresh air in the room. If you work in an office, see that it is properly ventilated. Guard against sudden changes in temperature. Never sit or stand in a draft. Keep the body comfortably clothed. Do not keep on damp clothing, but change your shoes and stockings if your feet happen to get wet—best not to let them get wet. Get plenty of sunshine. Give the body ample exercise. Let your diet consist of simple, wholesome, nourishing foods. Keep the system alkaline. Stay free from large crowds, especially if there is sneezing going on. If in spite of this you take cold, start Creomulsion immediately and get rid of it. Chicago, Ill.—We have used four bottles of Creomulsion up to the present time, and it has done wonders for my husband. He * * * has frequent colds and bronchial trouble. * * * I had a light attack of pneumonia which left me with the worst cough. * * * After taking it three days I was as well as ever. Last winter I came down with a severe cold on my lungs so I sent for another bottle of Creomulsion and it cured me up and I never had another cold all winter. I think it is the most wonderful medicine for long standing colds. * * * Creomulsion relieved my boy's cough instantly after the other cough medicines did not help him. I also use it myself when I find I am catching a fresh cold, * * * having doctored for over two years with no results. * * * I had a tickling cough and an awful rattling in my chest but after taking several bottles of your medicine I was relieved. * * * Three years ago I took an attack of asthma and I noticed your advertisement and ordered a bottle of Creomulsion. It relieved me and I haven't had a bad attack since. I have taken three bottles of Creomulsion and when I feel an attack coming on I take Creomulsion and get relief. * * * I ordered some Creomulsion some time ago for my twelve-year old boy. He had a cough caused by the flu and I could not get anything to help his cough, until I noticed a Creomulsion advertisement. I certainly can say it did his cough good. * * * You are always ready to assist your neighbor. When he is in distress you are glad to aid him. If any of your friends or neighbors should suffer from colds or coughs, or any other ailments that Creomulsion will help, it would be doing them a kindness to tell them about Creomulsion, and may prevent a long or serious illness. It is a neighborly act and kindly thing to do. Be careful of your own health, your family's health and the health of your neighbors. * * * No one knows when a little mishap is going to occur, or when the system is going to let down its resistance so that the cold, grippe, or flu germs can take hold, and the worst of it is, that unless these things are taken care of at the very beginning, they are apt to result in serious trouble. Keep a bottle of Creomulsion on hand always—this is one of the most necessary medicines in all your medicine chest. * * * I recommended it to several of my neighbors who said it helped their coughs. * * * When I started to take your valuable medicine, I had a very stubborn cough and my lungs were quite sore from continual coughing. The first bottle of Creomulsion did me so much good that I ordered two more. Have gained about eight pounds and haven't lost a day from work. * * * I have used Creomulsion two winters for a stubborn case of bronchitis and continued colds, and wish I could find words sufficient to tell what it has done for my child. There was no rest at night, but after taking four or five doses the child could sleep all night. * * * I took it for a bad bronchial trouble and can recommend it to all suffering from bronchial or lung difficulties, colds, coughs, and catarrh. * * * Two years ago my little boy had pneumonia which went into double pneumonia, and, though he pulled through, it left him with a terrible cough. Recently I started giving him Creomulsion, and he showed wonderful improvement immediately. He is now quite well as a result of the Creomulsion treatment. * * * Thus the purchaser of a

packaged medicine is protected twice by the Federal Food and Drugs Act—once against impure or substandard ingredients, and secondly against unwarranted claims for their therapeutic effectiveness. * * * Have used Creomulsion and find it relieves my bronchial troubles best of anything I ever tried. I find it especially helped during the Hay-fever period in August and September. * * * Creomulsion has helped wonderfully—not only me but members of my family * * * shall have a bottle on hand as a first aid treatment for a persistent and nerve racking cough. * * * I had a cold and cough. The bottle of Creomulsion I bought fixed me up all right and I haven't had a cold since. * * * Utah.—I have found Creomulsion to be very good for coughs and colds and can recommend it highly. * * * Creomulsion is the best medicine I ever took. I had a bad cough all winter. The doctor said it was bronchitis. * * * He says it is the best cough medicine he ever saw. * * * I want to thank you for Creomulsion. It is the best cough medicine my husband and I have ever used. * * * Both my little son and I were troubled with a stubborn cough last winter and spring. * * * Then we tried Creomulsion and it not only gave us relief but stopped the cough entirely and we felt like ourselves again. * * * My uncle, who is well up in years, a few weeks ago was in bed with a severe cough. We did not see how he could possibly escape pneumonia. He had no rest day or night from the severe coughing spells. After a few days' trial of Creomulsion he was slowly improving and in ten days he was around tending to his daily chores. Now his cough has greatly improved and he also has a wonderful appetite. * * * I had a cold that had been hanging on for almost four years, off and on. Have used almost one bottle of Creomulsion, and it has helped me considerably. * * * I had an awful cough * * *. It is the greatest cough syrup I ever took. * * * My brother had a bad cough and coughed all the time but when he took Creomulsion it stopped his cough right away. My father says it is the best medicine he ever took for indigestion. I give Creomulsion credit for pulling me through a severe case of flu I had recently. * * * I have been a sufferer for years with spasmodic asthma accompanied with a bad cough. I have taken doses of Creomulsion every 3 hours for several days and it has relieved me entirely of all bronchial trouble. * * * About eighteen months ago I had the flu and began taking a terrible cough and after a few days' treatment of Creomulsion my cough was relieved * * * at the beginning of colds and coughs I begin this remedy. * * * I want to let you know that Creomulsion meant new life to me. I was in bed nearly three months with an awful cough. Ran a high fever and could not talk above a whisper. My husband finally bought some Creomulsion for me which gave me immediate relief. I gained eight pounds in eleven days, and do not cough at all now. * * * How to Prevent Pneumonia See page 3;" (blown in bottle) "Coughs and Colds;" (shipping cases) "Creomulsion for Chronic Coughs and Persistent Colds."

On June 1, June 5, June 18, and June 20, 1928, respectively, the Creomulsion Co., Inc., Atlanta, Ga., having appeared as claimant for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of bonds, totaling \$31,800, conditioned that it should not be sold or otherwise disposed of contrary to law.

ARTHUR M. HYDE, *Secretary of Agriculture.*

15986. Adulteration of apple chops. U. S. v. 586 Sacks of Apple Chops. Consent decree of condemnation. Product released under bond. (F. & D. No. 21973. I. S. No. 16660-x. S. No. 7.)

On July 11, 1927, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 586 sacks of apple chops at Pittsburgh, Pa., alleging that the article had been shipped by Evaporated Fruits, Inc., from Seattle, Wash., on or about November 13, 1926, and transported from the State of Washington into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it contained an added poisonous or other added deleterious ingredient, arsenic, which might have rendered it injurious to health.

On February 29, 1928, the Evaporated Fruits, Inc., Seattle, Wash., claimant, having admitted the allegations of the libel and having consented to the entry